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09/29/2011

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:
MARVIN EDWARDS
Debtor

§
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§

CASE NUMBER: 11-42149

CHAPTER 13

**FINDINGS OF FACT AND CONCLUSIONS OF LAW ON MOTION TO DISMISS
WITH PREJUDICE TO REILING FILED BY OCWEN LOAN SERVICING, LLC AS
SERVICER FOR U.S. BANK, NA, TRUSTEE**

On September 21, 2011 this Court conducted an evidentiary hearing on the Motion to Dismiss with Prejudice to Refiling filed by Ocwen Loan Servicing, LLC as mortgage servicer for U.S. Bank N.A., as Trustee. Ocwen appeared and offered exhibits into evidence. Debtor did not respond to the motion and did not appear at the hearing. On consideration of the motion, the exhibits entered into evidence and argument of counsel, the Court enters the following findings of fact and conclusions of law.

1. Neither Marvin Edwards, Michael Edwards, Cherri Edwards, Larry Westervelt or the 1421 Crutchfield Lane Trust have any right in the property at 1421 Crutchfield Lane, Lewisville, Denton County, Texas ("the Property").

2. Therefore, as a matter of law any future bankruptcy petition filed by any of these individuals or their assigns will not operate as a stay of any actions by U.S. Bank, NA, its successors, servicers or agents with respect to the Property or by Ocwen or its successors or agents with respect to the property.

3. Marvin Edwards filed this bankruptcy with the improper intent to interfere with U.S. Bank's rightful exercise of its rights in the Property.

4. In this case, Marvin Edwards failed to pay any of his installments on the filing fee, failed to appear at the meeting of creditors, failed to make any plan payments to the Trustee, failed to file a proper plan, and failed to appear at the September 21, 2011 hearing.

5. Marvin Edwards filed a Schedule A listing a fee simple interest in the Property, even though the property had been foreclosed and sold to U.S. Bank and a judgment of possession in favor of U.S. Bank had been entered prior to his filing this bankruptcy case.

6. Marvin Edwards acted in bad faith in filing this bankruptcy.

7. Cause exists to dismiss this case with prejudice to Marvin Edwards refiling another bankruptcy case under Title 11 for a period of 180 days.

A separate Order Dismissing Case With Prejudice shall be entered consistent with these findings and conclusions.

SIGNED: _____, 2011

Signed on 09/29/2011

Brenda T. Rhoades

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HONORABLE BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE